



# PLANNING AND ZONING COMMISSION STAFF REPORT

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**Date**                      **June 6, 2024**

**To**                            **Planning and Zoning Commission**

**From**                      **Robert Kuhfuss, AICP**  
Senior Planner

**Subject**                    **Caring for Angels**  
6902 W. Cactus Road

## ***PROPOSAL***

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The applicant is requesting a Conditional Use Permit (CUP) to operate a Day Care Group Home that features a day training program to teach life skills to individuals with developmental disabilities at 6902 West Cactus Road.

## ***APPLICATION INFORMATION***

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**Case Numbers**        Conditional Use Permit (CU23-11)

**Applicant**             Sandra Escarcega

**Requests**             Approval of a Conditional Use Permit (CUP) to allow a Day Care Group Home for the development of an adult day training facility.

## ***LOCATION AND CONTEXT***

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### **SUBJECT SITE**

The subject site is approximately two (2) acres and consists of an existing single-family residence and associated accessory building that will be remodeled for the intended use. **(Exhibit 2)**

### **CONTEXT**

The subject site is bounded by single family residences in close to intermediate commercial. To the north is Cactus Meadows single-family residential subdivision. Along the eastern boundary is the Peoria Village single-family residential subdivision. To the west is Apostles Lutheran Church which is also zoned for single-family residential. Across Cactus Road to the south is Autumn Point and Deer Creek single-family residential subdivisions. To the southeast on the south side of Cactus Road is a commercial plaza, which contains businesses such as Aces Special Education School, a bank, and a vacant former Walgreens building. Cactus is a major arterial roadway which accommodates large volumes of traffic. **(Exhibit 2)**

***APPLICANT'S PROPOSAL***

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The applicant is requesting approval of a Conditional Use Permit for a Day Care Group Home known as *Caring for Angels* that would allow the operation of an adult day training program that teaches life skills to adults with developmental disabilities. The primary training and educational operation will occur on weekdays between the hours of 8:00 AM and 4:00 PM, with respite care taking place on weekends between 8:00 AM and 4:00 PM. **(Exhibit 3)**

The following improvements and components are intended to facilitate activities for the intended training and respite programs. Features within the principal building include classroom and office space. Additions to the property feature, a 600 square foot ramada; a 4,700 square foot recreation area; a 720 square foot garden; a 4,680 square foot arena; and a 491 square foot tack room / animal stall. **(Exhibit 4)**

As noted within the Applicant's Project Narrative, animals will be used as part of the training program and allow those in the program to learn skills associated with animal care and activities. The animals that will be located on site will consist of one (1) horse, two (2) goats, and four (4) chickens (no roosters). The animals will be housed in the stall space and arena located near the top center of the site plan. **(Exhibit 4)** Caring for these animals will be performed daily between the hours of 6:00 AM and 5:00 PM. On-call animal care will be provided as necessary.

Recreation features, including those associated with the animals, will be setback not less than 40 feet from the adjacent properties. Screening will be accomplished through a masonry wall not less than six (6) feet in height.

The various accessory buildings will echo the design theme present with the primary structure.

**DEVELOPMENT INFORMATION**

<u>Existing Use:</u>	Single-family residential
<u>Proposed Use:</u>	Adult day training
<u>Property Size:</u>	1.95 acres
<u>Required Parking:</u>	17 spaces
<u>Provided Parking:</u>	29 spaces

**STAFF ANALYSIS**

***ZONING HISTORY AND PROPERTY DEVELOPMENT***

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- The subject property was part of a larger farming operation dating back to the 1950's.
- The subject property was annexed from Maricopa County, on March 13, 1984 under *Ordinance #84-28*.

### APPLICABILITY

The proposed use is analogous to a *Day Care Group Home*, which is permitted in the General Agricultural (AG) zoning district, subject to the issuance of a Conditional Use Permit, as well as the Special Limitations outlined in Section 21-812.B of the Peoria Zoning Ordinance, which are discussed more specifically in the Special Limitations section of this staff report.

### CONDITIONAL USE PERMIT ANALYSIS

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The purpose of a Conditional Use Permit is to ensure that the physical and operating characteristics inherent with the land use have been sufficiently resolved or mitigated, optimizing compatibility with the surrounding area, and that the use is not injurious to the health, safety, and general welfare of the community.

### REVIEW CRITERIA

Section 21-321 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Planning Department must review applications and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria:

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
  - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
  - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
  - c. Ingress and egress to the property and proposed structures;
  - d. Pedestrian and vehicular circulation with particular reference to fire protection;
  - e. Parking and loading; and
  - f. Impact on public services, including schools, utilities, and recreation.

## CARING FOR ANGELS: CONDITIONAL USE PERMIT (CU23-11)

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7. The Planning Manager may not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

### SPECIAL LIMITATIONS

As noted above, Section 21-812.B of the Peoria Zoning Ordinance provides guidance for *Day Care Group Homes*. Specifically, Subsection 21-812.B requires that a) no identification (signage) be visible from the street, and b) that recreational facilities associated with the use be screened from adjacent properties by a 6-foot opaque fence or wall. The proposed facility will comply with these requirements.

### OPERATIONAL CHARACTERISTICS

#### *Hours of Operation*

The facility will observe the following hours of operation:

Day Training	Monday through Friday	8:00 AM to 4:00 PM
Respite	Saturday and Sunday	8:00 AM to 4:00 PM
On-Site Animal Care	Daily	6:00 AM to 5:00 PM
Video Monitoring	Daily	24 hours

#### *Vehicle Access*

An existing driveway extends from the existing building to Cactus Road. This driveway will be removed with a new driveway being constructed further to the west in order to comply with traffic and access management guidelines. A new right-turn lane will extend roughly from the east side of the site to the new driveway as shown in the **Exhibit 4 Site Plan**. Also, a two-way left turn lane exists within Cactus Road adjacent to the site. No median improvements are proposed or required, which will allow full turning movements into and out of the site.

#### *Parking*

The applicant proposes 24 standard parking stalls, two (2) accessible spaces, three (3) dedicated van-only spaces plus one (1) dedicated loading space. **(Exhibit 4)** This exceeds what is required by the Peoria Zoning Ordinance.

#### *Pedestrian Access*

Pedestrian access will extend from the City sidewalk to the main building and will continue onward to provide pedestrian access to the accessible parking spaces, the proposed ramada, and animal stalls. **(Exhibit 4)**

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### *Screening*

Screening will consist of a six (6) foot masonry wall in accordance with Section 21-812.B of the Peoria Zoning Ordinance. (**Exhibit 4**)

### **CONTINUING JURISDICTION**

If any issues arise regarding the operation of the business, Section 21-321.I of the Peoria Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that the Planning Manager may recommend to the Planning and Zoning Commission that a permit may be revoked, modified, or suspended should any of the following occur:

1. The permit was obtained by fraud or misrepresentation;
2. The use authorized by the permit has been exercised in violation of the conditions of its approval;
3. A change in circumstances consisting of any of the following has occurred:
  - a. Impacts from the approved conditional use to neighboring properties.
  - b. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4. The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.
  - a. Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.

### ***COMMUNITY INVOLVEMENT***

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#### *Public Noticing*

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

#### *Outreach Requirements*

During the early stages of the CUP process, staff received several inquiries as to the nature of the request. Since none of these inquiries rose to the level of opposition, the requirement for an outreach meeting was not triggered; however, the applicant held a voluntary outreach meeting on March 27, 2014 at 6:00 PM at the Apostles Lutheran Church. In advance of the meeting, the applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile.

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Several neighboring property owners attended the meeting, in addition to the development team for the project, as well as City staff. The applicant presented the details of the proposed project to the attendees and answered questions presented by the attendees. **(Exhibit 8)**

One of the items that was brought up by neighboring property owners was concerns regarding the type of trees that would be planted along the boundary with the residential properties. All non-residential sites require landscaping in accordance with the City of Peoria Zoning Ordinance. In deference to concerns raised regarding potential leaf litter being promulgated into adjacent neighboring yards, the applicant revised the proposed plant palette to include a combination Mulga and Heritage Live Oak trees along the northern boundary rather than Palo Verde. This modification is reflected in the conditions of approval specifically through **Exhibit 6 Landscape Plan**, and will be carried forward through to the Site Plan application review should the Condition Use Permit be approved.

### *Support / Opposition*

At the time of this writing, no correspondence has been received in support of, or opposition to this request.

### ***KEY FINDINGS***

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1. The proposal meets the Conditional Use Permit standards and applicable requirements outlined in the Peoria Zoning Ordinance for a Day Care Group Home.
2. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties.
3. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

### ***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

**Approve the Conditional Use Permit for Case CU23-11, subject to the Conditions of Approval identified in Exhibit 1.**

### ***STAFF CONTACT***

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